

Update!

A Periodic Report From The

Washington State Medical Quality Assurance Commission

Winter 2000

Medicinal Marijuana

The Medical Commission recently added Crohn's disease and Hepatitis C to the list of terminal or debilitating conditions for which the use of marijuana may be authorized. The Commission approved the use of marijuana for Crohn's disease and Hepatitis C when the symptoms are debilitating and unrelieved by standard treatments and medications. In short, marijuana may be used for intractable symptoms such as nausea, pain and generalized wasting but only as a treatment of last resort, not as a first line therapy.

The marijuana initiative, approved by the voters in 1998, allowed for the use of marijuana with seven specific medical conditions, among which were cancer and HIV. With an eye to the future, the drafters of the initiative envisioned other patients with different medical conditions who might also potentially benefit from the use of marijuana. Accordingly they included language in the initiative that allowed the Medical Commission to make additions to the list of approved conditions. Crohn's disease and Hepatitis C

are the first new conditions to be added to that list.

Efforts to insert marijuana into the armamentarium of legitimate medical therapies continue to stir debate as many still view marijuana exclusively as a gateway drug of abuse. The recent publication *Marijuana and Medicine* is a landmark effort to move the discussion of marijuana onto a more scientific footing. The editors of this work spent several years gathering, organizing and then laying out in detail what scientists and non-scientists alike have learned about marijuana. They then pointed out areas where further work is still needed. The full text of this report from the Institute of Medicine is available without charge at www.nap.edu. Or you can purchase a more user friendly hardback copy for about \$35. Either way you can now lay your hands on comprehensive, reliable information about marijuana and, best of all, no polemics. ♦

*George Heye, MD
Medical Consultant*

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Changes In Renewal Cycles and Continuing Medical Education Requirements

The Medical Quality Assurance Commission begins the new year with a change in the license renewal and continuing medical education (CME) reporting requirements for MD and PA licensees. Effective January 1, 2000, licensees whose birth year is an even number renew their license for two years rather than one year. Licensees whose birth year is an odd number renew their license for one year in 2000, then for two years beginning in 2001. The renewal fee for the two year cycle for physicians is \$400 plus \$50 for the impaired physicians program surcharge; and for physician assistants, \$70 plus \$50 for the impaired physicians program

surcharge.

CME reporting cycles also changed. Physicians who will renew their license for two years in 2000 will not be required to report CME until their renewal in 2004, at which time they will need to report 200 hours. Physicians renewing their license for one year in 2000 (odd numbered birth years) will report 150 hours CME if due – otherwise they will not be required to report 200 hours until 2005.

Physician Assistants who will renew their license for two years in 2000 will not be required to report CME until their renewal in

2002, at which time they will need to report 100 hours. Physician Assistants renewing their license for one year in 2000 (odd numbered birth years) will report 50 hours of CME, then will not report again until 2003 at which time they will report 100 hours.

Renewal cycles and fees for licensees holding Retired Active Status Licenses or Limited Licenses will remain the same. The Retired Active Licensee will begin reporting 200 hours of CME in 2004.

If you have any questions, please contact Mavis Pless, Renewal Representative, at (360) 236-4786. ♦

Washington Physician Health Program Expands

In 1995, the Medical Quality Assurance Commission endorsed Washington Physicians Health Program's (WPHP) expansion into the mental illness arena. Previously, the WPHP concentrated on assisting medical professionals afflicted with chemical dependency and dual diagnosis.

When the program receives reports on physicians who appear to be troubled by some type of emotional problem, the reporting source is verified and corroborative data obtained. WPHP contacts the physician, offers assistance, and requests an appointment to discuss the matter. Following an initial screening assessment, and if indicated, WPHP refers the doctor to a psychologist or psychiatrist for a further in-depth comprehensive evaluation.

If the evaluation establishes the presence of a mental disorder requiring treatment, WPHP then offers the physician the opportunity to voluntarily enroll in the program by implementing a "Psych" contract. This contract is vastly different from the program's standard "Chemical Dependency" agreement. It engages two mental health

professionals: the primary therapist, usually a psychiatrist or psychologist, and a monitoring professional as well. This arrangement delineates the role each will play and firmly establishes clear boundaries.

With the doctor's consent, the primary therapist furnishes WPHP with a quarterly report stating the working diagnosis, the proposed treatment plan, prescribed psychoactive medications, compliance with the treatment plan, and whether or not the doctor is fit for duty. The monitor also provides WPHP with a quarterly report, which contains a review of the therapist's activity and the client's compliance. Favorable reports from both trigger in turn a compliance letter from WPHP to parties with a vested interest in the doctor's mental health status. The doctor consents to these reports which do not contain intimate details of the psychotherapy. The duration of the WPHP contract is variable and dependent on the type and severity of the illness.

Dr. Lynn Hankes, WPHP's Director, reports that the program has intervened upon two physicians who were on the verge of

overt suicide. Currently, there are six physicians enrolled in the "Psych" category: two with Bipolar Disorder, three with Depression and an Axis II Personality Disorder, and one with uncomplicated Depression. The demand for mental health services appears to be increasing. Dr. Hankes speculates the increase may be due to the stress associated with health care reform. Currently, 10% of all the Cases-in-Development fall in the "Psych" category. To respond to this demand, Dr. Hankes has amassed a wide network of mental health professionals who perform evaluations and provide either treatment or monitoring. In addition, WPHP has engaged two consulting psychiatrists who meet monthly with its Clinical Staffing Committee. This expansion into the mental health arena has proved to be of valuable assistance to WPHP physician-clients and constitutes yet another way WPHP works to protect the public.

For more information contact:

Lynn Hankes, MD, Director at
206-583-0127 or 1-800-552-7236. ❖

Important Commission Phone Numbers

License Verifications	(360) 236-4800
Applications A-L	(360) 236-4785
Applications M-Z	(360) 236-4784
Disciplinary Public Disclosure	(360) 236-4816
Compliance Officer A-L	(360) 236-4794
Compliance Officer M-Z	(360) 236-4793
Renewals	(360) 236-4786



Medical Commission 2000 Meeting Dates

March 16-17	Seattle Airport Hilton Regular Meeting	17620 Pacific Highway South Seattle, Washington 98188
April 20-21	Seattle Airport Hilton Regular Meeting	17620 Pacific Highway South Seattle, Washington 98188
June 1-2	Doubletree Inn Regular Meeting	18740 Pacific Highway South Seattle, Washington 98188
July 13-14	The Heathman Lodge Regular Meeting	7801 NE Greenwood Drive Vancouver, Washington 98662
August 24-25	The Heathman Lodge Workshop	7801 NE Greenwood Drive Vancouver, Washington 98662
October 5-6	Holiday Inn Regular Meeting	17338 International Boulevard Seattle, Washington 98188
November 16-17	SeaTac Airport Hilton Regular Meeting	17620 Pacific Highway South Seattle, Washington 98188
December 14-15	SeaTac Airport Hilton Regular Meeting Recognition Dinner	17620 Pacific Highway South Seattle, Washington 98188 ❖

How to Properly Terminate the Physician-Patient Relationship

When a physician begins to care for a patient, the physician is obligated to continue to provide care to the patient as long as the patient needs treatment. A physician may terminate the relationship provided the physician gives the patient reasonable notice and a sufficient opportunity to make other arrangements for care. Otherwise the physician may be guilty of abandonment, resulting in a malpractice judgment or disciplinary action by the Medical Quality Assurance Commission.

To avoid a malpractice claim or possible disciplinary action, the American Medical Association recommends a physician take the following steps to terminate the physician-patient relationship:

1. Give the patient written notice, preferably by certified mail, return receipt requested;
2. Provide the patient with an explanation for terminating the relationship;
3. Agree to continue to provide treatment and access to services for a reasonable period of time, such as 30 days, to allow the patient to secure care from another physician;
4. Provide resources and/or recommendations to help the patient locate another physician of like specialty; and
5. Offer to transfer records to a newly-designated physician upon signed patient authorization to do so.¹

The Commission further recommends placing a copy of the written notice in the patient's chart, and clearly stating in the patient's chart after the last visit that the physician is no longer seeing the patient. If a physician follows these steps, the fact of

termination and the date of termination will be clear, making it unlikely the physician will be subject to a malpractice suit or professional discipline for abandoning the patient.

Physicians should be aware, however, that properly terminating a physician-patient relationship as set forth above may not insulate a physician from disciplinary action for having subsequent sexual contact with a patient. Two opinions from our state supreme court address the issue of sexual contact between a health care provider and a patient after termination of the professional relationship.

In *Haley v. Medical Disciplinary Board*, the court held that a surgeon, who removed a patient's spleen, provided brief follow up care, referred the patient to another physician, and had sex with the patient several months later, could not be disciplined for having sex with a patient because the person was no longer a patient. The court explained, however, that if the physician was a family physician, psychiatrist, oncologist, internist or any other type of physician who typically has an ongoing relationship with patients, the court would have ruled differently.²

In *Heinmiller v. Department of Health*, a counselor and a client agreed to terminate the professional relationship after expressing an interest in seeing each other socially. The counselor and the client began a sexual relationship the day after terminating the professional relationship. Our supreme court upheld disciplinary action against the counselor on several grounds, one of which was that the counselor had sexual contact

with a client. The court said that because the counselor had an ongoing relationship with a client, beginning a sexual relationship with a client the day after formally terminating the professional relationship constituted having sexual contact with a client.³

Last year the Commission disciplined a physician for having sex with a patient. The physician claimed he properly terminated the professional relationship prior to beginning the sexual relationship because he did not see the patient on a regular basis and wrote in the last chart entry "follow up with me prn." The Commission disagreed and determined the woman was a patient at the time of the sexual relationship because the physician did not take affirmative steps to discharge her from his care until he actually referred her to another physician.

As illustrated in the sexual contact cases, taking the steps outlined by the AMA above may not actually terminate the professional relationship. In a sexual contact case, the Commission will look to see if the physician took formal steps to terminate the relationship and will closely examine the nature of the professional relationship in order to determine whether the professional relationship has actually been terminated.

The Commission recommends that each physician follow the AMA-recommended steps to properly terminate a physician-patient relationship, and to review the Commission's Sexual Misconduct Statement and Policy, which is available on the Commission web site or upon request.⁴ ❖

Mike Farrell
Lead Staff Attorney

1 "Legal Issues for Physicians: Ending the Physician-Patient Relationship," www.ama-assn.org/physlegl/legal/termrel.htm.

2 117 Wn. 2d 720 (1991).

3 127 Wn. 2d 595 (1995).

4 <http://www.doh.wa.gov/hsqa/hpqad/MQAC/default.htm>.



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Commission Actions - August 1999 - December 1999

Every effort is made to assure the following information is correct. However, before making any specific decisions based

on this information, readers are strongly encouraged to check with the Medical Quality Assurance Commission at

(360) 236-4792. The listing may not reflect a change occurring near or following the publication date.

Definition of Actions:

Summary Suspension/Summary Limitation - Immediate suspension or limitation of a practitioner's license, pending further disciplinary action. Used in a situation where there is reasonable assumption of immediate danger to the public.

Findings of Fact, Conclusions of Law and Final Order - Final order issued by the Commission after a formal hearing where evidence was presented, conclusions were based on law, and sanctions were ordered.

Retired Status Agreement - Agreement between a practitioner and the Commission in which the practitioner voluntarily gives up his/her license and retires from the practice

of medicine in lieu of further disciplinary proceedings.

Stipulated Findings of Fact, Conclusions of Law and Agreed Order - Settlement between a practitioner and the Commission in which both parties agree to facts, sanctions, and conditions which the practitioner must meet.

Abramowitz, Kelvyn, MD **License No. MD 00025248** (Bellevue, King County, WA)

The Commission granted Respondent's request and terminated the terms and conditions of an Agreed Order dated December 11, 1998. Respondent's license is unrestricted.

September 23, 1999, Order on Release from Commission Order.

Beard, John M., MD **License No. MD 00025677** (Seattle, King County, WA)

The Commission and the Respondent entered into an Agreed Order in which the Respondent's license was placed on probation for five years subject to certain terms and conditions.

December 9, 1999, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Bhatt, Kiran, MD **License No. MD 00017201** (Anaheim, CA)

Following a formal hearing, the Commission found the Respondent had her license to practice medicine in California revoked and revoked her license to practice medicine in Washington.

October 29, 1999, Findings of Fact, Conclusions of Law and Final Order.

Blair, James C., PA-C **License No. PA 10003105** (Colbert, Spokane County, WA)

The Commission and the Respondent entered into an Agreed Order in which Respondent's license was placed on probation for 18 months and subject to certain terms and conditions.

September 24, 1999, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Blaney, David D., MD **License No. MD 00029788** (Ft. Collins, CO)

The Commission and the Respondent entered into an Agreed Order in which the Respondent's license was revoked.

November 4, 1999, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Boyce, Chris T., PA **License No. PA 10003360** (Spokane, Spokane County, WA)

The Respondent failed to respond to a statement of charges alleging the failure to comply with a Commission order. The Commission entered a default order revoking the Respondent's license to practice medicine.

October 12, 1999, Findings of Fact, Conclusions of Law and Final Order of Default.

Buck, Harper J., MD **License No. MD 00013100** (Moscow, Russia)

The Commission denied the Respondent's request to reconsider its July 9, 1998, Findings of Fact, Conclusions of Law, and Final Order.

October 1, 1999, Order Denying Petition for Reconsideration.

Carron, William C., MD **Applicant MD 00007617** (Seattle, King County, WA)

Following a formal hearing, the Commission found the Applicant had committed an act of moral turpitude, had his license disciplined in California, and was convicted of stalking in California. The Commission granted the Applicant a license, suspended the license, but stayed the suspension provided the Applicant comply with certain terms and conditions.

August 5, 1999, Findings of Fact, Conclusions of Law and Final Order.

Carron, William C., MD **License No. MD 00038041** (Seattle, King County, WA)

Upon the Department of Health's motion, the Commission revised its August 5, 1999, Findings of Fact, Conclusions of Law, and Final Order to clarify section V.

October 11, 1999, Order on Motion for Clarification of the Final Order; and October 11, 1999, Revised Findings of Fact, Conclusions of Law and Final Order.

Chapa, Lazaro G., MD **License No. MD 00033215** (Van Nuys, CA)

The Commission and the Respondent entered into an Agreed Order which placed the Respondent's license on probation under certain terms and conditions.

November 4, 1999, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Coulston, Daniel R., MD **License No. MD 00018532** (Spokane, Spokane County, WA)

The Commission granted the Respondent's request and terminated the terms and conditions of an Agreed Order dated August 14, 1997. The Respondent's license is now unrestricted.

December 1, 1999, Order on Request for Release from Commission Order.

Farley, Patrick C., MD **License No. MD 00030541** (El Paso, TX)

The Commission and the Respondent entered into an Agreed Order in which the Respondent's license was placed on probation for ten years and subject to certain terms and conditions.

September 23, 1999, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Fox, Samuel R., MD **License No. MD 00005293** (Tacoma, Pierce County, WA)

The Commission denied the Respondent's request to terminate the terms and conditions of an August 7, 1998, Order.

December 15, 1999, Order on Request for Release From Commission Order.

Gupta, Virind D., MD **License No. MD 00025984** (Sarasota, FL)

The Commission granted the Respondent's request and terminated the terms and conditions of an August 14, 1997, Agreed Order. The Respondent's license is now unrestricted.

October 6, 1999, Order on Compliance Review and Request for Release from Commission Order.

(Continued on Page 5)

Commission Actions - August 1999 - December 1999 *(Continued from Page 4)*

Hansel, John S., MD
License No. MD 00008420
(Logan, WV)

The Respondent failed to respond to a statement of charges alleging disciplinary action in another state. The Commission entered a default order revoking the Respondent's license to practice medicine.

October 12, 1999, Findings of Fact, Conclusions of Law and Final Order of Default.

Hanshaw, Evelyn M., MD
License No. MD 00026630
(Issaquah, King County, WA)

The Commission granted in part and denied in part Respondent's request to modify the order of July 15, 1999.

September 3, 1999, Order Granting Petition for Reconsideration in Part and Denying in Part.

Hegarty, Dewitt, PA-C
License No. PA 10003424
(Garfield, Whitman County, WA)

The Respondent failed to respond to a statement of charges alleging disciplinary action in another state. The Commission entered a default order revoking the Respondent's license to practice medicine.

September 15, 1999, Findings of Fact, Conclusions of Law, and Final Order of Default.

Houseworth, Lynn E., PA-C
License No. PA 10002962
(Seattle, King County, WA)

The Commission granted the Respondent's request and terminated the terms and conditions of an Agreed Order dated April 21, 1995.

August 3, 1999, Order on Compliance Review and Request for Release from Commission Order.

Hubner, Pamela J., PA-C
License No. PA 10003488
(Cinebar, Lewis County, WA)

The Commission granted the Respondent's request and stayed the suspension of the Respondent's license, but subjected it to certain terms and conditions.

August 2, 1999, Order on Compliance Review and Request For Lifting Suspension of Commission Order.

Hutchison, Jimmie L., MD
License No. MD 00026635
(Boise, ID)

The Commission denied the Respondent's request to reinstate his suspended license.

August 3, 1999, Order on Compliance Review and Request For Reinstatement.

James, Helen A., MD
License No. MD 00020348
(Bellingham, Whatcom County, WA)

The Commission granted the Respondent's request and terminated the terms and conditions of an Agreed Order dated April 3, 1995. The Respondent's license is now unrestricted.

December 1, 1999, Order on Request for Release from Commission Order.

Levine, Howard J., MD
License No. MD 00019774
(Seattle, King County, WA)

The Commission and the Respondent entered into an Agreed Order in which the Respondent's license was restricted.

November 4, 1999, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Luckey, Robert Carne, MD
License No. MD 00008342
(Richland, Benton County, WA)

The Commission and the Respondent entered into an Agreed Order in which the Respondent's license was revoked.

September 23, 1999, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Lukson, Robert J., MD
License No. MD 00010939
(Richland, Benton County, WA)

The Commission and the Respondent entered into an Agreed Order in which the Respondent's practice was restricted.

December 9, 1999, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Mc Donnell, Thomas R., MD
License No. MD 00010443
(Spanaway, Pierce County, WA)

The Commission denied the Respondent's request to terminate the terms and conditions of an Agreed Order dated March 27, 1997.

August 3, 1999, Order on Compliance Review and Request for Release from Commission Order.

Mc Kenzie, Kenneth R., MD
License No. MD 00013475
(Freedom, CA)

The Commission and the Respondent entered into an agreement in which the Respondent acknowledged that he had retired from the practice of medicine in January 1999, and the Commission terminated its investigation.

August 19, 1999, Reportable Retired Status Agreement.

Park, Harry C.S., MD
License No. MD 00007018
(Vancouver, Clark County, WA)

The Commission found the Respondent in compliance with a May 29, 1997, Agreed Order, and modified the order.

October 6, 1999, Order on Compliance Review and Request for Modification of Commission Order.

Puskas, John M, MD
License No. MD 00018270
(Lake Oswego, OR)

The Commission and the Respondent entered into an Agreed Order in which the Respondent's license was made subject to certain terms and conditions based upon an action in Oregon.

December 9, 1999, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Robinson, Wendell E., MD
License No. MD 00011542
(Richland, Benton County, WA)

The Commission granted the Respondent's request to terminate the terms and conditions of an Order dated February 19, 1997. The Respondent's license is now unrestricted.

August 3, 1999, Order on Compliance Review and Request for Release from Commission Order.

Schlechter, William G., MD
License No. MD 00021342
(Spokane, Spokane County, WA)

The Commission granted the Respondent's request and terminated the terms and conditions of a January 22, 1998, Agreed Order. The Respondent's license is now unrestricted.

October 6, 1999, Order on Compliance Review and Request for Release from Commission Order.

Schroff, Gregory P., MD
License No. MD 00028890
(Othello, Adams County, WA)

The Commission granted the Respondent's request and terminated the terms and conditions of a September 25, 1997, Agreed Order. The Respondent's license is now unrestricted.

October 6, 1999, Order on Compliance Review and Request for Release from Commission Order.

Thomas, George, PA
License No. PA 10000422
(Othello, Adams County, WA)

The Commission issued an order, after the Respondent waived his right to a hearing, suspending his license indefinitely until further order of the Commission.

September 23, 1999, Findings of Fact, Conclusions of Law and Final Order.

Trivedi, Raksha V., MD
License No. MD 00016453
(Seattle, King County, WA)

The Commission granted in part the Respondent's request to modify an order dated June 30, 1999.

September 17, 1999, Order on Respondent's Petition for Reconsideration.

Vidu, Dorian M., MD
License No. MD 00022194
(Cleveland, Ohio)

The Commission revoked the Respondent's license after the Respondent failed to respond to a statement of charges.

July 30, 1999, Findings of Fact, Conclusions of Law and Final Order of Default.

Vidu, Dorian M., MD
License No. MD 00022194
(Cleveland, Ohio)

The Commission denied the Respondent's request to modify an order dated July 30, 1999.

September 27, 1999, Order Denying Petition for Reconsideration. ❖

Practitioners are required by law to keep the Medical Quality Assurance Commission informed of any change in your name or address. This will ensure receipt of your renewal notice and other timely information.

Name and/or Address Change Form

(Please type or print in ink)

License # _____ Social Security # _____
☐ MD ☐ PA ☐ PA-C ☐ PA-SA

Old Information:

Name _____

Address _____

Changes:

Name* _____

Address _____

*A change in name must be accompanied by a photocopy of the marriage certificate, the divorce decree, or the court-ordered name change (whichever is applicable).

Effective Date _____ Signature _____

A licensee's address is open to public disclosure under circumstances defined in law, RCW 42.17. The address the Commission has on file for you is used for all mailings, renewal notification and public disclosure.

Cut out and mail this completed form to the commission office:

Medical Quality Assurance Commission
1300 Quince Street SE
P.O. Box 47866
Olympia, WA 98504-7866

Attention: Address/Name Change

